

REMARKS

I. Changes in Claims 12 to 21 of the Parent Application

This is a simultaneous amendment for a new divisional application based on U.S. Patent Application, Ser. No. 10/159,310 (the parent), now allowed, which, in turn, is a divisional of U.S. Patent Application, Ser. No. 09/744,892, now U.S. Patent 6,488,922, issued December 3, 2002.

The purpose of this divisional application is to seek patent claim coverage for the compounds of formula III, for example the remaining compounds in amended claim 18, namely 2,6-diamino-3-((pyridin-3-yl)-azo)pyridin-1-oxide.

Claims 1 to 11 of the original application were canceled and claims 12 to 21 were added simultaneously with the filing of the divisional application Ser. No. 10/159,310 by means of a simultaneous amendment.

Thus the claims of the parent application, as of the filing date of the parent application, are claims 12 to 21 of the simultaneous amendment filed with the application papers in the parent application.

The current preliminary amendment for the present divisional application, which is based on application Ser.No. 10/159,310 (the parent), amends claims 12 to 21 of the simultaneous amendment in the parent to limit them to the subject matter that was withdrawn from consideration in the parent application.

The compounds of formula II have been deleted from the possible effective ingredients of method claims 12 and 21. Claims 16 and 19, which cover preferred embodiments of the canceled subject matter in claim 12, have been canceled. Claim 18 has been amended for the same reason. Prosecution can continue with the compounds of formula III as the effective ingredients.

2. Relationship of Amended Claim 12 and 21 to U.S. Patent 5,466,694

Terranova, et al, does not anticipate the effective ingredients used in the methods claimed in applicants' claim 12 and 21. Terranova, et al, does disclose compounds having a similar, but not identical, chemical structure to that of the applicants' compounds of formula III.

None of the examples of Terranova, et al, in columns 12 to 28, of this U.S. Patent can form the basis for a case of anticipation under 35 U.S.C. 102 (b) of either claims 12 and 21. All the exemplary compounds of Terranova, et al, contain either a halogen substituent, such as Cl, a nitro substituent or either a thienylaryl or a thienyl alkyl group. The effective ingredient compounds of formula III of method claims 12 and 21 can contain none of these substituent groups. Thus this reference cannot anticipate claims 12 and 21.

Should the Examiner require or consider it advisable that the specification, claims and/or drawing be further amended or corrected in formal respects to put this case in condition for final allowance, then it is requested that such amendments or corrections be carried out by Examiner's Amendment and the case passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing the case to allowance, he or she is invited to telephone the undersigned at 1-631-549 4700.

In view of the foregoing, favorable allowance is respectfully solicited.

Respectfully submitted,



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